

## **ABSTRAKT V ANGLICKÉM JAZYCE**

### **Private-law consequences of a breach of competition law and their enforcement in the Czech Republic**

The private-law consequences of a breach of competition law, Articles 101 and 102 of the Treaty on the Functioning of the EU and Sections 3 and 11 of the Czech Competition Act, may affect many entities, irrespective of whether they are competitors or consumers. Recently, emphasis has been placed on private enforcement of competition law that is intended to serve as an important complement to public law enforcement.

The first part of the dissertation defines basic concepts and principles of competition law including „public rules on restriction of competition“. The history of the enforcement of competition law in the Czech Republic and the dynamic development in this area at the EU level are outlined in the second part.

The third crucial part of this work deals with the right to damages caused by a breach of competition law in the Czech Republic. In 2014, the EU adopted Directive 2014/104 on certain rules in damages actions with the view, *inter alia*, to increase the effectiveness of private enforcement of competition rules by civil courts of EU Member States. On August 18, 2017, new Act No. 262/2017 Coll. which implements the Directive into Czech law was adopted. The dissertation mainly in this part takes into consideration specific rules resulting from the Directive, Czech Act on Damages and judiciary of the EU Court of Justice, foreign and Czech civil courts. This section deals with liability issues in competition matters with emphasis on substantive prerequisites such as anti-competitive behaviour, competition damages, causal link and fault. Special rules on limitation periods and joint and several liability are also discussed. Based on the analysis, it was found that in some cases the Czech legislator did not respect the EU requirements and conducted implementation beyond that stipulated in the Directive. In other cases relevant legislation includes gaps that cannot always be bridged by judicial interpretation. Besides suitable interpretations the work goes on to suggest *de lege ferenda* solutions. In the analysis there are also issues that the special law and the EU law do not address, such as the possible use of a protective purpose theory aimed at limiting liability for damage to certain groups of persons or certain types of damages.

The following fourth part is devoted to the nullity of anticompetitive conduct (mostly in the form of a forbidden agreement or decision of associations of undertakings), which is governed directly by Article 101(2) TFEU. Additional private claims, such as the right to unjust enrichment,

adequate satisfaction, cease and desist orders, including injunctions, or the right to publish the court ruling are the subject of the fifth part. In the Czech legal environment these rights are guaranteed by the general provisions of the Civil Code. Their enforcement is not harmonized at EU level. However, civil courts shall take into account the principles of effectiveness and equivalence when assessing them. In conclusion, I point out the interdependence of the EU and Czech legal system concerning the enforcement of Articles 101/102 TFEU and the significant influence of the EU legislature and the judiciary of EU courts in the formation of Czech civil culture in claiming individual rights stemming from breaches of competition law.